



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Planning Board
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for January 25, 2021
Date: January 15, 2021

The **Town of Black Mountain Planning Board** will meet on **Monday, January 25, 2021 at 6:00 p.m.** electronically via Zoom.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. Draft minutes from November 23, 2020 and December 15, 2020;
3. Continued Discussion of Goldmont/W College Alleyway Closure with Jamey Matthews;
4. Right-of-Way Closure Request – Fairway Drive and Tomahawk Avenue;
5. Right-of-Way Closure Request – Hiawassee Avenue and S Oconeechee Avenue;
6. Proposed Text Amendments for Definitions; and
7. Resolution of Appreciation for Scott Reed

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Jake Hair, Planner
Ron Sneed, Town Attorney



PUBLIC NOTICE

BLACK MOUNTAIN PLANNING BOARD

In order to maintain the safety of Town residents, staff, and the Planning Board, the Planning Board regular meeting scheduled for **Monday, January 25, 2021, at 6:00 p.m. will be conducted electronically using Zoom software** in lieu of its in-person meeting. The Town of Black Mountain Town Hall will not be open for this meeting.

There are three ways the public can participate in the meeting:

1. **Join the meeting through Zoom on your computer or smart device.** **Citizen video feeds will not be enabled. There is no password.*

<https://us02web.zoom.us/j/84921985205>

Meeting ID: 849 2198 5205

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at [Zoom.us/download](https://zoom.us/download) and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

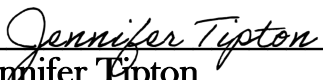
Simply call US Toll-free 1-877-853-5247 or US Toll-free 1-888-788-0099

Meeting ID: 849 2198 5205 followed by the Pound sign (#)

3. **Email or call in your comments or questions prior to the meeting.**

Call in comments prior to the meeting: Clerk to Planning Board at 828-419-9371

Email comments to: jennifer.tipton@townofblackmountain.org



Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 12/31/2020
www.townofblackmountain.org



**Planning Board Regular Meeting
January 25, 2021**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Determination of Quorum

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of November 23, 2020 and December 15, 2020 as written [or as amended]

IV. OLD BUSINESS

- Continued Discussion of Goldmont/W College Street Right-of-Way Closure – Jamey Matthews

V. NEW BUSINESS

- Right-of-Way Closure Request – Fairway Drive and Tomahawk avenue
- Right-of-Way Closure Request – Hiawasse Avenue and S Oconeechee Avenue
- Proposed Text Amendments – Definitions
- Resolution of Appreciation – Scott Reed

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, November 23, 2020, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Chris Collins, Chair
Pam Norton, Vice Chair
Jesse Gardner
Rick Earley
Chas Fitzgerald
Lauronda Teeple (arrived later in the meeting)

Staff:

Jennifer Tipton, Senior Admin
Jake Hair, Planner
Jessica Trotman, Planning Director
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

Jennifer Tipton said that Cheshire text amendment needed to be added to the agenda under new business as item three. Jesse Gardner made a motion to adopt the agenda as amended. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Chas Fitzgerald made a motion to adopt the minutes of October 26, 2020, as written. The motion was seconded by ? and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Road Closure Discussion

The board had asked Jamey Matthews to join the meeting so that they could ask some questions about future use of alleyways for utilities, particularly in the Goldmont and W. College Street are, as that is where the road closure request for last month was from.

Mr. Matthews was not able to attend the meeting so the board decided to make a list of comments and questions to relay back to Mr. Matthews.

Ron Sneed explained that in regards to the alley closure between Goldmont Street and W.

College Street, that the plat that was recorded had roads and access easements, meaning that they alleyway in question was for access only and not utilities. Therefore, the Town cannot reserve an easement or utilities that do not exist but could reserve an easement if there are existing utilities.

Jesse Gardner asked about a greenway easement and Mr. Sneed explained that a greenway is a walking path so that it could go into the alleyway and an easement could be reserved for that.

Planning Board Regular Meeting
November 23, 2020

Mr. Sneed also mentioned that stormwater would soon become a utility so that would not allow an easement if stormwater facilities do not already exist in the alleyway.

Mr. Sneed further explained that a plat recorded creates streets and alleys and those are offered to the public for fifteen years for public use. The Town can accept these as the street closure is considered an outstanding offer. The Town can also reject the offer and open as a street, however, once a street is closed it cannot later be reopened.

Jesse Gardner said that he believes that there are some City of Asheville water lines in parts of the alleyway and he would still like to talk to Mr. Matthews about those lines. The board also said that they would like a map of lines in the area, if there are any stormwater facilities in the area or the possibility of future stormwater facilities, and the existing utilities in the entire length of the alleyway.

Jesse Gardner made a motion to continue the discussion to the January meeting. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0.

2. Proposed Annexation – Brooks Cove Road

Jesse Gardner recused himself as he represents the client requesting the annexation.

Jake Hair explained that the voluntary annexation request is for a sixteen and a half acre parcel off of Brooks Cove Road. The parcel is currently zoned R-1 by Buncombe County which is their residential district allowing single and two-family structures. Mr. Hair said that this is their low density district. The applicant is William Honeycutt and if the annexation is approved, he would like to be considered for the UR-8 zoning district. There is water available on Brooks Cove Road as well as sewer, which is also located on Brooks Cove Road. Mr. Hair said that the zoning surrounding this parcel is UR-8 and there are some SR-2 zoned parcels to the north but those do not touch this parcel.

Rick Earley asked if the annexation and the rezoning would be done at the same time and Ron Sneed explained that until the property is annexed into the Town, the Town does not have jurisdiction to establish zoning, however, the applicant can request a zoning district so as to get an idea of what the board is thinking.

Jesse Gardner, speaking on behalf of the client, said that in order to get Town water, which they need, they have to voluntarily ask for annexation. The client is looking to develop a single-family development with around forty-five structures. Mr. Gardner said that there is some slope to the back of the lot, but they do not plan on developing that portion. Mr. Gardner said that sewer and water are available. The entrance would be off of Brooks Cove Road. There is a stream on a portion of the property so the Town would require a stream buffer if the property is annexed. Mr. Gardner said that the client would be fine either way on if the property is annexed or not. The County zoning would allow lots to be 7,000 square feet and allow some PUD development so there would be a little more freedom. If the property is annexed into the Town, then it would be a major subdivision and would follow all of the UR-8 requirements.

Chas Fitzgerald said that he was in support of the annexation.

Chris Collins said that he felt it was a good addition and a developable lot near existing UR-8 zoning.

Rick Earley asked about the stream buffer and Jessica Trotman explained that the buffer would be thirty feet from the top of the bank on both sides, but the buffer could count towards the open space requirements. Mr. Earley said he was comfortable with the request but did ask who would be responsible for improving the roads.

Planning Board Regular Meeting
November 23, 2020

Mr. Gardner said the client would develop the property but they would not do anything to the existing road. Ms. Trotman explained that the Town does have a traffic impact analysis ordinance that, if triggered, would identify any updates that would need to be made to the road. Pam Norton expressed concern about the existing road and the narrowness of the road. Ms. Norton said she wants to make sure that the infrastructure is looked at closely when considering these larger developments.

Lauronda Teeple said that she did not have any initial concerns with the request.

The comments will be relayed to the Board of Aldermen as they consider the request at their next meeting.

3. Cheshire Text Amendment

Jesse Gardner recused himself as he represents the client requesting the text amendment.

Jake Hair first mentioned that he had made a mistake in the staff report and the requested lot size is actually twenty-eight feet by forty feet rather than twenty-eight feet by fifty feet.

Mr. Hair gave a brief overview of the background of the TND district. Mr. Hair then went through the schedule of events from when Jacobs Cottages was first added to the master plan. Sikes Ragan made a request in 2015 to add Jacobs Cottages to the Village of Cheshire Master plan. In 2016, Mr. Ragan purchased an adjacent parcel and had the property rezoned to TND. Mr. Ragan then requested an additional six lots be allowed, which was approved. In 2020, Mr. Ragan came back to the Town wanting to turn the six lots into eight lots with significantly smaller lot sizes. Upon researching all files, minutes, and agenda packets, the Town could not find any documentation that was submitted or approved to allow the smaller lot sizes. As such, the amendment has to be approved to allow the smaller lot sizes. Mr. Hair explained that the actual text amendment is to add the one page Cottage Court design requirements to the Village of Cheshire Master Plan.

Jesse Gardner, speaking on behalf of the client, said that the original parcel was rezoned in 2013. Mr. Gardner then presented the pocket village development (also known as Jacobs Cottages) to the Planning Board in May of 2015 and said that he had provided a conceptual plan with grading and stormwater plans as well as the design requirements. Mr. Gardner said that four houses have been constructed to those standards. Mr. Gardner said that he feels the document got lost in translation between the Planning Board and the Board of Aldermen so the document was never fully adopted and they are just trying to make this right at this time. Mr. Gardner did say that the initial concept was to do a primary dwelling with a smaller secondary dwelling, however, that design has changed to now do eight smaller units. Mr. Gardner said that all of the infrastructure has been sized for what is there.

After some discussion, the board felt that this was an oversight on the document not being adopted in 2015 and felt comfortable with recommending the text amendment.

Chris Collins made a motion to recommend the text amendment applicable only to the Jacobs Cottages development and that the amendment is consistent with the comprehensive plan and reasonable because it allows adequate density development on existing infrastructure and is keeping with the compatibility of the existing Jacobs Cottage neighborhood. The motion was seconded by Rick Earley and approved by a vote of 5-0.

VI. COMMUNICATION FROM PLANNING BOARD

None.

Planning Board Regular Meeting
November 23, 2020

VII. COMMUNICATION FROM STAFF

Jessica Trotman said that the final draft of the Comprehensive Plan update will be coming out in the next couple of weeks and the board will have the opportunity to review the plan and provide comments to the consultants.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:09 p.m. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held a special called meeting on Tuesday, December 15, 2020, at 5:30 p.m. electronically via Zoom.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Chris Collins, Chair
Pam Norton, Vice Chair
Lauronda Teeple
Jesse Gardner
Rick Earley
Chas Fitzgerald
Kathy Phillips, new member (not yet sworn in)

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner/Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 5:30 p.m. and duly constituted and opened for business with a quorum of six (6) regular members.

II. ADOPTION OF AGENDA

No agenda available for adoption.

III. ADOPTION OF MINUTES

No minutes available for adoption.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Rezoning Request for 99999 Laurel Road from R-1 to UR-8

Jennifer Tipton began by reading comments received from adjacent property owners. All of the emailed comments are attached and are a part of these minutes.

Jake Hair presented the staff report to the Planning Board. Mr. Hair explained that the rezoning request is in conjunction with the proposed voluntary annexation request that the board heard at their November meeting. The property is currently zoned R-1 by Buncombe County and allows ten units an acre. Some of the uses allowed in the R-1 zoning district include single-family residences, two-family residences, subdivisions, places of worship, family care homes, private utility stations, and governmental recreation use. The UR-8 zoning district allows eight units an acre and some of the permitted uses are single-family residences, two-family residences, places of worship, public utilities, and government facilities. At this time no development plan has been received. There is a stream running through the property and the property does have access to sewer and is requesting Town water with the annexation request. The board spoke to the fact that the UR-8 designation is less dense and intense than the current zoning designation of R-1. It was

Planning Board Special Call Meeting
December 15, 2020

also stated that if the property is annexed and rezoned, the Town has a stream buffer ordinance that would factor in and require a thirty foot buffer from the top of the bank on both sides of the stream.

Jesse Gardner recused himself as he is a representative for the applicant. Mr. Gardner said that his client is looking at doing fifty units or less. Mr. Gardner said that they would look at the possibility of widening the portion of Brooks Cove Road that the subject property fronts.

Jennifer Tipton said that the process would be that the Board of Aldermen will consider the annexation first. If the property is approved for annexation, then the Board of Aldermen will consider the rezoning request. If the property is not annexed, then the rezoning will not go forward. The public hearing for both the annexation and the rezoning will be on January 11th.

The board feels that the UR-8 district is reasonable as it is already surrounded by UR-8 and is a developable piece of property.

Chas Fitzgerald made a motion to recommend the zoning designation of UR-8 for the 16.45 acre tract because it is appropriate. The motion was seconded by Rick Earley.

Chas Fitzgerald made an amended motion to recommend the zoning designation of UR-8 for the 16.45 acre tract because it is reasonable for the for the district being sought, the parcel is relatively flat and rectangular, and is adjacent to a roadway; it is consistent with the comprehensive plan and with the immediately adjacent town properties to the north and west; the impact to adjacent properties is reasonable as compared to being developed in the County and there is a greater certainty of road improvements and creek protection and lower impact to the creek by annexation and town zoning; and the allowed uses are similar to surrounding properties. The motion was seconded by Rick Earley. The motion passed with a vote of 5-0.

VI. COMMUNICATION FROM PLANNING BOARD

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 6:24 p.m. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin

Jennifer Tipton

From: Tressy Mundy <tressymundy@hotmail.com> on behalf of Tressy Mundy
Sent: Tuesday, December 15, 2020 9:45 AM
To: jennifer.tipton@townofblackmountain.org
Subject: Reference to 99999 Laurel Drive Development

PIN #: 0619-88-6353.00000
Property Address: 99999 Laurel Drive
Date: December 15, 2020

To whom it may concern,

I am writing my concerns regarding an urban development project on Brooks Cove Road.

My family has owned a home across the road from the proposed development since the early 1920's. I am the third generation to live at my current address.

Over the last almost half a century, I have become very familiar with the woods where the proposed development is to transpire.

Over the last 70 years, the property in question has been undeveloped and largely undisturbed. The timber has returned as well as wetlands, springs, wildlife, and flora that once were common in the Black Mountain area before residential development and population increased.

This is now one of the last remaining ecosystems of this type left in Black Mountain and, once it is gone, it will disappear forever.

The land, although under twenty acres, is home to: lady slippers, various types of ferns and ground covers, wild apple, rhododendron, mountain laurel, mature oak, maple, pines, and river birch, as well as various aquatic life due to the numerous springs and pristine creeks such as: crayfish, minnows, red salamanders, toads, frogs, tadpoles, and river snails. All of which can only survive in the clearest and cleanest of water. Also in the property are probably some of the last remaining muskrat families in the valley. Other mammals such as the grey fox, the only native fox in the area, den on that property. Deer, bear, raccoons, opossum, coyotes, chipmunks, and grey squirrels all live there as well. Red squirrels, which are rare this low also have been sighted. Barred Owls have also been nesting in those wood the last five years.

All of the animals mentioned above rely on the trees or burrows to den in or shelter under. All the aquatic animals rely on fresh clean and cold water to survive. The canopy above is necessary to keep the water cold enough. The ground cover keeps it filtered.

If a development is approved at the density of 4-8 houses an acre, that means practically a logging operation that amounts to a clear cut. If that happens, one of the last remaining environmental treasures in the Black Mountain area is lost forever. The habitat for all the animals mentioned above will be completely decimated. The pristine creek will forever be dirty and warmed.

Black Mountain must draw the line somewhere. How many more developments can we take before Black Mountain is no longer a small town?

I implore the town and the county to try to protect what wooded area we have left. To the powers that be who mention environmental concerns, greenways, and controlled growth, well now is an opportunity to implement those ideas.

-David Mundy

Jennifer Tipton

From: Nathan Padgett <nathan.padgett@bcsemail.org> on behalf of Nathan Padgett
Sent: Tuesday, December 15, 2020 11:07 AM
To: planningboard@townofblackmountain.org
Cc: Jennifer.tipton@townofblackmountain.org
Subject: RE: Rezoning request for a parcel identified as 99999 Laurel Drive in Buncombe County (located off of Brooks Cove Road).

Good morning planning board members and Ms. Tipton.

As a native and current resident of Black Mountain, I grew up on Brooks Cove Road (formerly Laurel Drive when I was a child) and my family still owns property there that borders the mentioned property that is being considered for rezoning. First, I would like to say the families that live on this road, have lived there for over 40+ years and even longer. My grandfather's house is located at 150 and it was built over 100 years ago. It is the epitome of a small-town country road where everyone knows everybody and their family. This is what has made Black Mountain so special to me growing up and why I still live here.

I understand development is inevitable especially now in Black Mountain. I personally would love to see the land undeveloped and preserved.

However, a few concerns should be considered by the planning board before rezoning this property:

1. Road concerns: Will Brooks Cove Road handle potentially 256 more cars daily (8 houses per acre x 16 acres = 128 houses x 2 cars per household)? No, it would not unless the town is willing to spend a great deal of money and widen the road leading to property. This will greatly impact the traffic on McCoy Cove road as well.
2. Water/sewer concerns: Will development on this property put a strain on the infrastructure of the current water and sewer system? I would think yes and directly impact those around the potential development.
3. Water/Storm runoff concerns: How will this development affect the surrounding neighborhood with water and storm runoff? There is a creek that runs through the middle of this property. It routinely floods with a moderate amount of rainfall and spills out on Brooks Cove Road. The houses at the beginning of Brooks Cove Road will likely be heavily impacted by water and storm runoff if this land is developed. Major drainage and infrastructure would need to be installed to accommodate and prevent this from happening. This would be an extreme cost to the town of Black Mountain.

These are just a few concerns the planning board should reconsider before rezoning this property. I am opposed to the rezoning of this property.

I look forward to hearing from the planning board on how they would address these issues if rezoning is considered and approved for this property. Please protect the growth and development of our small town.

Respectfully,

Nathan Padgett - 154 Brooks Cove Road

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Nathan Padgett
Head Football Coach & Physical Education Teacher
Charles D. Owen High School
99 Lake Eden Road
Black Mountain, NC 28711
nathan.padgett@bcsemail.org
828.686.3852
828.686.8442 Fax

Jennifer Tipton

From: Nan Barker <nanhbarker@hotmail.com> on behalf of Nan Barker
Sent: Tuesday, December 15, 2020 11:08 AM
To: jennifer.tipton@townofblackmountain.org
Subject: Zoning

Please keep controlled zoning on Brooks Cove Rd. Too much development will be detrimental to this area. Thank you.

Nan Barker

Sent from my iPad

Jennifer Tipton

From: Savannah Parrish <savannah.parrish@townofblackmountain.org> on behalf of Savannah Parrish
Sent: Tuesday, December 15, 2020 11:35 AM
To: Jennifer Tipton; Jessica Trotman
Subject: Fwd: Denying of the Brooks Cove Road Rezoning

Savannah M. Parrish, MPA

Assistant to the Manager | Town Clerk

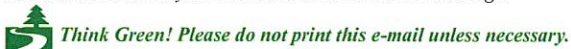
Town of Black Mountain, NC

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----- Forwarded message -----

From: Matthew Turner <coachmtturner@yahoo.com>
Date: Tue, Dec 15, 2020 at 11:30 AM
Subject: Denying of the Brooks Cove Road Rezoning
To: Savannah Parrish <savannah.parrish@townofblackmountain.org>

Good Morning Planning Board Members and Town officials,

I am writing this email opposing the annexing and rezoning of the property off Brooks Cove Road. I live just up the road from there on McCoy Cove Road, and the traffic on that lower part of McCoy Cove is already very busy. And as far as Brooks Cove Road is concerned, it being a very small road, cannot handle that much traffic volume from that many new units. As of now, the school bus doesn't even go down this street. It picks any children up at the intersection with McCoy Cove Road. The City Trash trucks are backing down the road when picking up trash because of the lack of turn around space on the road. We also have a large population of Wildlife. The more we build in these places, more they are pushed into people backyards, which over time can cause problems. There is also a stream that runs down this road that during the heavy rains that we have more and more often, and it breaches its banks and makes a big mess. The Annexing of this property will make it zoned as TR-4. Which in my opinion is more than enough if the choice is made to annex this property. But changing the zoning to UR8 is way too much, especially in this area of town. I know most all of the residents and land owners around this property, inside the city and county property, and I believe they stand with me in saying that we ask that you deny the request to annex and rezone this piece of property.

Thank you for your Time,

Matthew Turner
Resident at 423 McCoy Cove Road

Jennifer Tipton

From: Meagan Morris <megmorr1984@yahoo.com> on behalf of Meagan Morris
Sent: Monday, December 14, 2020 7:56 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Planning board meeting re:99999laurel rd

To whom it may concern

I own a home on Brooks Cove Road And just received a notice of the rezoning meeting today December 14,2020for a meeting planned tomorrow December 15,2020. With such short notice I am sure that people who live on this road and want to attend might not have enough notice to plan to do so.

I have lived on the road for eleven years and my husband has lived on this road for 37 years. This is a small road and two cars can not pass one another one has to pull over, trash trucks, fed ex and ups trucks have to turn around in people's driveways and school buses will not even go down the road. This small road can barely handle the amount of traffic that is on it now. The road floods almost every rain and the town has already dug a ditch in our front yard that does not even help that out .This road is doing all it can to handle the day to day traffic from its surrounding home owners who I know have all lived on this road numerous years and have its best Interest in mind .

Concerned Resident,
Meagan Barry
20 Brooks Cove Rd

[Sent from Yahoo Mail for iPhone](#)

Robert S Padgett
152 Brooks Cove Road
Black Mountain NC 28711

Public Notice:
PIN#: 0619-88-6353.00000
Meeting ID: 845 1740 5322

These comments and concerns are regarding rezoning request for property 99999 Laurel Drive from R-1 to UR-8. This property is located off Brooks Cove Road and is adjacent to my property.

Brooks Cove Road is a single lane dead end road with no turn around that runs off McCoy Cove Road. The road infrastructure will not accommodate this rezoning request and does not meet standards for this type of development. This will impact our neighborhood and environment in a negative manner.

Urban residential zoning means high-density and traffic will increase substantially. Brooks Cove Road is not wide enough for two cars to pass and poses safety concerns and issues. We must be good stewards of our town and have reasonable and controlled growth.

I strongly disagree with this request and urge you to disapprove the proposed rezoning. Thank you for your service and support of our communities.

Jennifer Tipton

From: K Hall <kbhall2007@hotmail.com> on behalf of K Hall
Sent: Tuesday, December 15, 2020 4:54 PM
To: savannah.parrish@townofblackmountain.org
Cc: Jennifer Tipton
Subject: McCoy Road and Brooks Cove Road Special called meeting

To the members of the Black Mountain Planning Board,

I hope you will deny annexing the property owned by William Honeycutt. We hope it will not achieve the 8 units per acre he is seeking.

I have read many statements from people who live in this area and I hope they are listened to. These are by no means new concerns or complaints. This town keeps allowing developers to build dense housing in locations that cannot support current infrastructure, stormwater runoff or traffic among other issues.

This needs to stop at this location and other proposed locations. We can do better, smarter town planning.

Thank you,
Weston and Kiersten Hall

Jennifer Tipton

From: Leslie Temme <ljtbreathe@gmail.com> on behalf of Leslie Temme
Sent: Tuesday, December 15, 2020 4:04 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Rezoning Proposal of 99999 Laurel Drive

Hi Jennifer,

I am writing in opposition to the rezoning of 99999 Laurel Drive.

Rezoning would have a damaging environmental effect on the area and overall not in the best interest of our community.

Thank you for all that you do.

Leslie

Leslie J. Temme PhD, LCSW, RYT
109 Pleasant Drive
Black Mountain, NC 28711
Clinical Assistant Professor, ETSU, Asheville Site
Light A Path Recovery Programs
Yoga Teacher and Educator
www.leslietemme.com
828-772-7099

Each day is a gift. May you treasure it.

Jennifer Tipton

From: Joe Marks <joemarks1950@gmail.com> on behalf of Joe Marks
Sent: Tuesday, December 15, 2020 3:38 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Rezoning proposal.

The rezoning proposal of 9999 Laurel would be a huge mistake. I believe environmentally and esthetically it would be the wrong move.

Leave the zoning the way it is.

Sincerely,

Joe

Joe Marks
109 Pleasant Dr
Black Mountain, NC 28711
828-850-6541
joemarks1950@gmail.com

Jennifer Tipton

From: Nathan Padgett <nathan.padgett@bcsemail.org> on behalf of Nathan Padgett
Sent: Tuesday, December 15, 2020 5:11 PM
To: Jennifer Tipton
Subject: Addendum to previous email regarding Laurel Drive/Brooks Cove Road

I would like to also add a few more questions to the board tonight on the record.

1. How has this special meeting been called when said property is not in the city limits of Black Mountain? How can the board discuss rezoning when the property is not inside the town limits?
2. Residents within 200 feet of this property should have been notified of this special meeting before 12/14 that came via US mail. Why was this not done before? I believe there is a 25 day notification period.
3. In addition, not being allowed to publicly comment on the zoom or in person is an infringement on the rights of the people on this street.

Please add these to the record for tonight's meeting.

Respectfully,

--

Nathan Padgett
Head Football Coach
Charles D. Owen High School
99 Lake Eden Road
Black Mountain, NC 28711
nathan.padgett@bcsemail.org
828.686.3852
828.686.8442 Fax

Jennifer Tipton

From: Tressy Mundy <tressymundy@hotmail.com> on behalf of Tressy Mundy
Sent: Tuesday, December 15, 2020 5:11 PM
To: jennifer.tipton@townofblackmountain.org

We have already sent an email this morning but felt it was important to add that #1 we feel our rights have been violated since it is listen only and we can't speak and #2 how can the town even rezone property that isn't even in the city limits?

David Mundy

Get [Outlook for iOS](#)

Jennifer Tipton

From: Heath Tweed <htweed@budofasheville.com> on behalf of Heath Tweed
Sent: Tuesday, December 15, 2020 5:17 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Rezoning Meeting Dec 15 Dec of 99999 Laurel Drive

To Whom it may concern for today's rezoning meeting of Pin # 0619-88-6353.00000 Hunneycutt Property.

I would like my questions and concerns read aloud during this meeting , I will be watching.

My property joins the subject property to the south as does my parents. I am also speaking for elderly that live on the road with their permission as they are not tech savvy .

Concerns:

*The notice given for this meeting was insufficient and per guidelines incomplete. No mention of wanting to be annexed which would be necessary for the town to rezone as ETJ no longer exist or would be valid.

*The road it to narrow for a subdivision and it is not 16' wide in all locations and cars frequently have to pull over to pass especially in the (3) curves . Has or will a Traffic study been completed?

*Ingress , Egress? Would need two separate ways in for a large subdivision that this zoning would allow for ,which currently is not available.

*Flooding is already becoming an issue for this small community due to building that has been ongoing in the communities up stream, this would take the last remaining buffer/ wetlands that control the water flow and stormwater runoff ! What precautions would be put in place to **Guarantee** those who live down stream would have no further flooding issues?

*This particular wooded parcel is home to endangered species of wild life including but not limited to the Hellbender Salamander which less than 1% are still surviving! This species is particularly sensitive to changes in its environment . Have studies been completed as to the impact on wildlife?

I have many more issues with this development and know MANY more community members that are opposed but with such short notice have not had time to give input!

Thank you for your time. I would hope as the town has new board members that say they are for only controlled growth these concerns will not fall on deaf ears!

Heath Tweed
Craft Brand Manager
Budweiser of Asheville,INC.

Email: htweed@budofasheville.com
Cell: 828.777.5720



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

Date: January 25, 2021

To: Black Mountain Planning Board

From: Planning Staff

RE: Alleyway closure south of the intersection of Fairway Dr. and Tomahawk Ave

Please find pertinent information attached.

Summary:

Jerry Jackson has filed a petition to close the alleyway south of the intersection of Fairway Dr. and Tomahawk Ave. The properties that abut the alleyway are 99999 Tomahawk Ave, 99999 Hiawasse Ave and another 99999 Hiawasse Ave.

Definitions:

The land use defines the following terms:

Abut: Having a common boundary or lot line not separated by a street, alley, railroad or other right-of-way (distinguished from adjacent which can include abutting property or those across a street).

Adjacent: Either abutting or being directly across a street.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Right-of-Way: 1) A strip of land acquired by purchase, reservation dedication, forced dedication, prescription, or condemnation and intended to be occupied by a roadway, greenway, sidewalk, railroad, utility, storm sewer, or other uses; and 2) the right of one to pass over the property of another.

3.6.2 Dedication and closures of rights-of-way or land to the town.

- A. Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMP's, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.

Does not apply.

- B. Property owners or other parties of interest may petition for the closure of a right-of-way offering through the planning department. The planning board, planning department, or other government or utility agency may also request the closure of a right-of-way. Rights-of-way closures shall follow these procedures:
 - 1. A right-of-way closure petition is filed with the planning department. Owners of property abutting the right-of-way or portion of the right-of-way requested for closure must sign the petition and pay a fee as established by the board of aldermen. If all owners of the abutting properties do not sign the petition, notice to abutting property owners shall be given as required by G.S. 160A-299. If the request is generated from town staff or a board or commission, the fee shall not apply.

Jerry Jackson submitted a petition for an alleyway closing request on November 19, 2020. The petition was signed by Sandra Lunsford, owner of 603 Tomahawk Ave, and Jerry Jackson, owner of all three properties asking for the closure. Mr. Jackson submitted a credit card payment of \$300.00 for the petition. A copy of the petition is attached.

*N.C.G.S. 160A-299 (a) states that when a city proposed to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, **a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records** and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.*

2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way (if any utilities, etc.), information on possible future uses from any of the town's adopted plans, and comments from the fire department and place the issue on the next planning board agenda, if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.
 - *The requested alleyway closure is approximately 75' in length and 8' wide per a survey recorded in Plat Book 0154, Page 0193, and per Buncombe County GIS (map attached).*
 - *The alleyway is empty land that contains no trees.*
 - *The alleyway does not contain any sewer lines or water lines (maps of both are attached).*
3. Notice of the request and pursuant review of the planning board shall be sent to all abutting property owners, and the notice may be sent to owners of property adjoining any portion of the street affected by a partial right-of-way closure, at the discretion of the planning board or staff.

Notice was sent to all property owners abutting the alleyway on January 8, 2021 by first class mail. A copy of the notice and a list of property owners is attached.

4. The planning board will review the request and make recommendation to the board of aldermen to accept the petition for closure, to accept the right-of-way into town control or maintenance, to close any additional area of right-of-way in addition to the petition, or to not accept the petition and leave the right-of-way as an offering.

The request is for the whole alleyway to be closed.

5. The planning board shall consider any or all of the following criteria in making their recommendation for closure of a right-of-way:

(a) Alleyway identified is not part of adopted town plans.

The requested alleyway closure is not identified in any of the following plans:

Bike Plan, Comprehensive Plan, Greenway Master Plan, Stormwater Master Plan, Recreation and Parks Master Plan, Pedestrian Plan, Wellhead Protection Plan, Hazard Mitigation Plan or Veteran's Park Master Plan.

- (b) Alleyway is not necessary for current or future utilities.

All utilities are located on Hiawasse Ave and Tomahawk Ave.

- (c) Alleyway in its current condition poses a hazard to public health, safety or welfare.

The alleyway does not pose any hazard to public health, safety or welfare.

- (d) Alleyway is along a drainage that is part of a stormwater management plan.

There are no drainage areas or stormwater plans or systems along or in the alleyway.

- (e) Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.

The alleyway is not identified on the Pedestrian Master Plan or Greenway Master Plan for any type of access.

- (f) Abutting property owners have signed the petition in favor of the closure.

The two property owners abutting the portion requested have signed the petition. All other property owners have been notified by first class mail.

- (g) The planning board shall have 35 days from the date of the first regular meeting of the planning board held after receipt of the request within which to submit a recommendation to the board of aldermen. If the planning board fails to act within the 30-day period, it shall be deemed to support and recommend the requested closure and the petition shall proceed to the board of aldermen.

The planning board may also amend the scope or length of the alleyway closure petition as a complimentary petition to the board of aldermen.

6. Planning board recommendation is forwarded to board of aldermen who shall establish a date for a public hearing by adopting a resolution of intent to close. The town attorney shall prepare a description of the right-of-way in question for use in setting the public hearing.

If the planning board recommends the closure, then the next step would be a call for public hearing.

7. Staff shall place the resolution of intent stating the date of the public hearing in a newspaper of general circulation within the Town of Black Mountain once a week for four successive calendar weeks. Staff shall prominently post the area for closure at two locations with a visible sign indicating the scope of the petition, the date for the public hearing and the phone number of the staff person to contact for information. Staff shall also provide notice by first class mail to all abutting property owners, and may, at the discretion and direction of the aldermen, mail such notice to all owners of property adjoining any portion or all of the street affected by a partial right-of-way closure. Notice shall also be posted to the town website indicating the date and time of the hearing.

Staff will take care of this portion.

8. Board of aldermen holds the public hearing and accepts or rejects the petition for closure.

The public hearing will be advertised and held at a regularly scheduled meeting of the Board of Aldermen.

Town of Black Mountain
North Carolina

Date: 11/19, 2020

TO THE BOARD OF ALDERMEN OF THE
TOWN OF BLACK MOUNTAIN

We, the undersigned, being ~~(some)~~ (all) of the owners of the property adjoining the street or alley described below, do hereby petition the Board of Aldermen of the Town of Black Mountain, to close the following described street or alley:

Alley south of intersection of Fairway Drive and Tomahawk Ave
Between property of Jerry Malcombe Jackson PIN # 060998843700000
PIN # 060998853200000 and Sandra Lunsford PIN # 060998945100000.

The undersigned petitioners do certify that the closing of the above described street or alley will not be contrary to the public interest and that no individual owning property in the vicinity of said street or alley, and if it is located in a subdivision, no individual owning property in said subdivision, will be deprived of reasonable means of ingress and egress to his/her property.

The following persons, in addition to the petitioners, own property adjoining the above described street or alley:

<u>NAME</u>	<u>ADDRESS</u>
Sandra Lunsford	617 North Fork Rd Black Mountain, N.C. 28711 828-669-7606

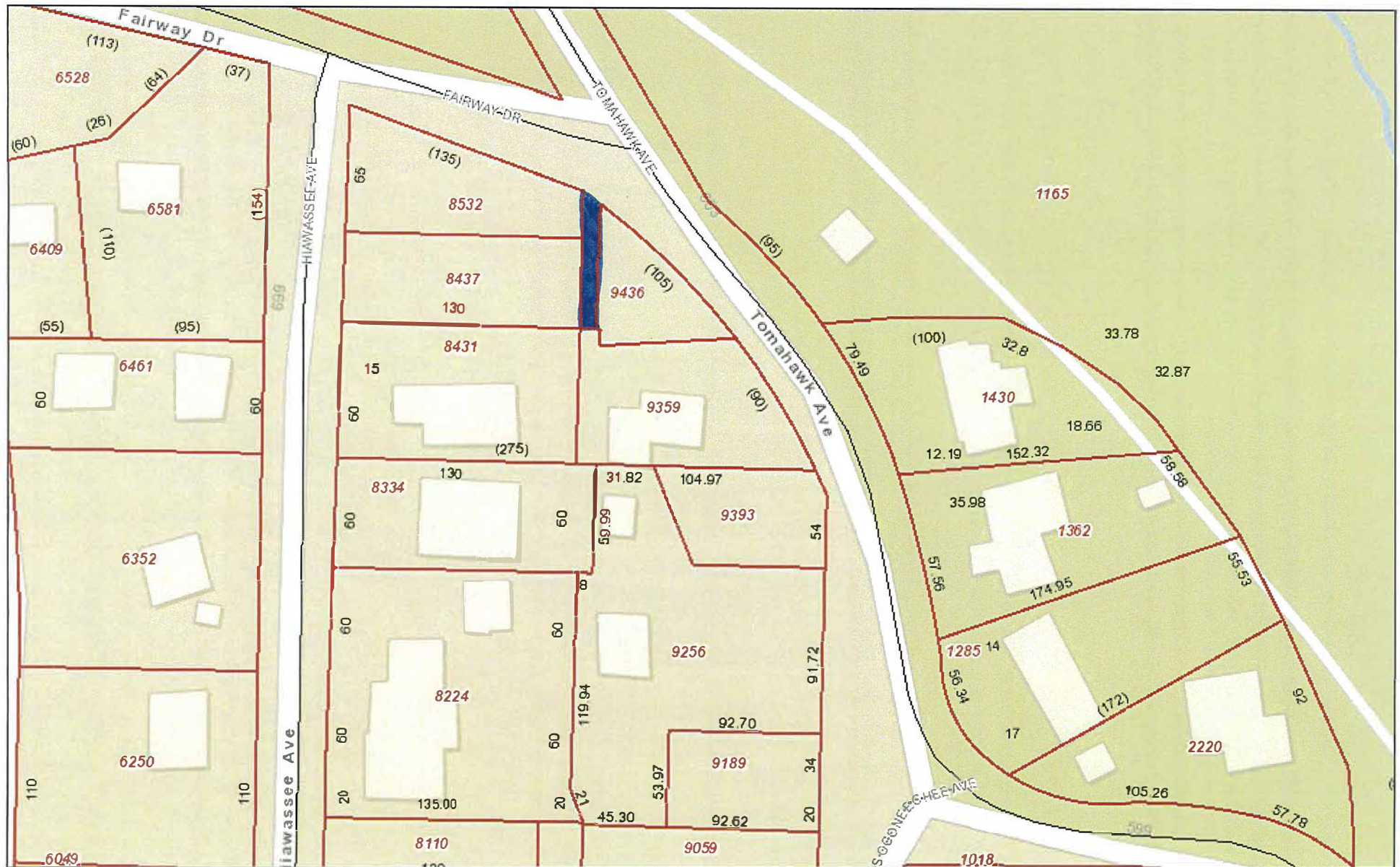
WHEREFORE, your petitioners respectfully request the Board of Aldermen of the Town of Black Mountain to adopt a resolution ordering the closing of the above described street or alley.

Witness our signatures the day and year first above written.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Sandra Lunsford	617 North Fork Rd Black Mountain N.C. 28711	828-669-7606
Jerry Jackson	2968 US70 BLACK MOUNTAIN, NC 28711	

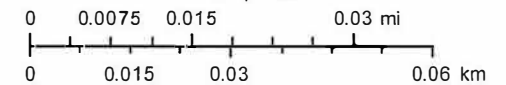
pd 11/19/2020
check # 11619
JT

Fairway Dr/Tomahawk Ave Right-of-Way Closure Request



January 6, 2021

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Jerry Malcombe Jackson Revocable Trust	2968 US 70 Hwy	Black Mountain	NC	28711
Jerry Malcombe Jackson Revocable Trust	2968 US 70 Hwy	Black Mountain	NC	28711
Jerry Malcombe Jackson Revocable Trust	2968 US 70 Hwy	Black Mountain	NC	28711
Jack E Lunsford; Sandra L Lunsford	617 N Fork Road	Black Mountain	NC	28711

<u>PIN #</u>
0609-98-8532
0609-98-8437
0609-98-9436
0609-98-9359



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

January 11, 2021

Dear Property Owner,

This correspondence is to notify you that two property owners have petitioned the Town of Black Mountain to close a portion of the right-of-way between Fairway Drive and Tomahawk Avenue.

A map has been enclosed to show the portion of the right-of-way that the property owners are requesting to be closed.

This is your notification that the Planning Board will hear this request at their next regularly scheduled meeting on Monday, January 25, 2021 at 6:00 p.m. via Zoom. A link to the meeting is provided below.

Join Zoom Meeting

<https://us02web.zoom.us/j/84921985205>

Meeting ID: 849 2198 5205

OR

888 788 0099 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 849 2198 5205

If you have questions you may contact Jake Hair at (828) 419-9373 or
jake.hair@townofblackmountain.org.

Respectfully,

Jennifer Tipton
Senior Admin

Enclosure (1)



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

Date: January 25, 2021

To: Black Mountain Planning Board

From: Planning Staff

RE: Alleyway closure from 402 Hiawassee Ave down to 207 S Oconeechee Ave.

Please find pertinent information attached.

Summary:

Becki Janes has filed a petition to close the alleyway from 402 Hiawassee to 207 S Oconeechee.

Definitions:

The land use defines the following terms:

Abut: Having a common boundary or lot line not separated by a street, alley, railroad or other right-of-way (distinguished from adjacent which can include abutting property or those across a street).

Adjacent: Either abutting or being directly across a street.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Right-of-Way: 1) A strip of land acquired by purchase, reservation dedication, forced dedication, prescription, or condemnation and intended to be occupied by a roadway, greenway, sidewalk, railroad, utility, storm sewer, or other uses; and 2) the right of one to pass over the property of another.

3.6.2 Dedication and closures of rights-of-way or land to the town.

- A. Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMP's, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.

Does not apply.

- B. Property owners or other parties of interest may petition for the closure of a right-of-way offering through the planning department. The planning board, planning department, or other government or utility agency may also request the closure of a right-of-way. Rights-of-way closures shall follow these procedures:
 - 1. A right-of-way closure petition is filed with the planning department. Owners of property abutting the right-of-way or portion of the right-of-way requested for closure must sign the petition and pay a fee as established by the board of aldermen. If all owners of the abutting properties do not sign the petition, notice to abutting property owners shall be given as required by G.S. 160A-299. If the request is generated from town staff or a board or commission, the fee shall not apply.

Becki Janes submitted a petition for an alleyway closing request on January 5, 2021. The petition was signed by Travis Sharpe, owner of 207 S Oconeechee, Darla Sublette, owner of 402 Hiawassee, Donald & Dorinda Blankenship, owners of 305 S Oconeechee, Eric & Erica

Christopher, owners of 216 Hiawassee, Brandon & Abigail Moffitt, owners of 309 S Oconeechee, Rebecca Janes, owner of 312 & 400 Hiawassee, Philip Abernathy, owner of 206 Hiawassee, and Toby Ives & Sarah Broughton-Ives, owners of 313 S Oconeechee. Each Neighbor submitted a check to add up to the amount of \$300.00 for the petition. A copy of the petition is attached.

*N.C.G.S. 160A-299 (a) states that when a city proposed to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, **a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records** and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.*

2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way (if any utilities, etc.), information on possible future uses from any of the town's adopted plans, and comments from the fire department and place the issue on the next planning board agenda, if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.
 - *The requested alleyway closure is approximately 795' in length and varies from 8 to 10' wide per a survey recorded in Plat Book 0154, Page 0193, and per Buncombe County GIS (map attached).*
 - *The alleyway contains trees, fences, sheds and accessory structures.*
 - *The alleyway does not contain any sewer lines or water lines (maps of both are attached).*
3. Notice of the request and pursuant review of the planning board shall be sent to all abutting property owners, and the notice may be sent to owners of property adjoining any portion of the street affected by a partial right-of-way closure, at the discretion of the planning board or staff.

Notice was sent to all property owners abutting the alleyway on January 8, 2021 by first class mail. A copy of the notice and a list of property owners is attached.

4. The planning board will review the request and make recommendation to the board of aldermen to accept the petition for closure, to accept the right-of-way into town control or maintenance, to close any additional area of right-of-way in addition to the petition, or to not accept the petition and leave the right-of-way as an offering.

The request is for part of the alleyway to be closed from 402 Hiawassee to 207 S Oconeechee.

5. The planning board shall consider any or all of the following criteria in making their recommendation for closure of a right-of-way:

- (a) Alleyway identified is not part of adopted town plans.

The requested alleyway closure is not identified in any of the following plans: Bike Plan, Comprehensive Plan, Greenway Master Plan, Stormwater Master Plan, Recreation and Parks Master Plan, Pedestrian Plan, Wellhead Protection Plan, Hazard Mitigation Plan or Veteran's Park Master Plan.

- (b) Alleyway is not necessary for current or future utilities.

All utilities are located on Hiawasse Ave and S Oconeechee Ave.

- (c) Alleyway in its current condition poses a hazard to public health, safety or welfare.

The alleyway does not pose any hazard to public health, safety or welfare.

- (d) Alleyway is along a drainage that is part of a stormwater management plan.

There are no drainage areas or stormwater plans or systems along or in the alleyway.

- (e) Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.

The alleyway is not identified on the Pedestrian Master Plan or Greenway Master Plan for any type of access.

- (f) Abutting property owners have signed the petition in favor of the closure.

Ten property owners abutting the portion requested have signed the petition. All other property owners have been notified by first class mail.

- (g) The planning board shall have 35 days from the date of the first regular meeting of the planning board held after receipt of the request within which to submit a recommendation to the board of aldermen. If the planning board fails to act within the 30-day period, it shall be deemed to support and recommend the requested closure and the petition shall proceed to the board of aldermen.

The planning board may also amend the scope or length of the alleyway closure petition as a complimentary petition to the board of aldermen.

6. Planning board recommendation is forwarded to board of aldermen who shall establish a date for a public hearing by adopting a resolution of intent to close. The town attorney shall prepare a description of the right-of-way in question for use in setting the public hearing.

If the planning board recommends the closure, then the next step would be a call for public hearing.

7. Staff shall place the resolution of intent stating the date of the public hearing in a newspaper of general circulation within the Town of Black Mountain once a week for four successive calendar weeks. Staff shall prominently post the area for closure at two locations with a visible sign indicating the scope of the petition, the date for the public hearing and the phone number of the staff person to contact for information. Staff shall also provide notice by first class mail to all abutting property owners, and may, at the discretion and direction of the aldermen, mail such notice to all owners of property adjoining any portion or all of the street affected by a partial right-of-way closure. Notice shall also be posted to the town website indicating the date and time of the hearing.

Staff will take care of this portion.

8. Board of aldermen holds the public hearing and accepts or rejects the petition for closure.

The public hearing will be advertised and held at a regularly scheduled meeting of the Board of Aldermen.

Town of Black Mountain
North Carolina

Date: January 5, 2021

**TO THE BOARD OF ALDERMEN OF THE
TOWN OF BLACK MOUNTAIN**

We, the undersigned, being ~~(some)~~ (all) of the owners of the property adjoining the street or alley described below, do hereby petition the Board of Aldermen of the Town of Black Mountain, to close the following described street or alley:

This utility right of way extends from the address at 402 Hiawasse Ave. and runs North to South to Cragmont Road. The right of way crosses Hickory Street between the properties located at 400 Hiawasse Ave and 312 Hiawasse Ave. The right of way is 15 feet wide. The right of way runs on the back lines of properties on South Oconeechee and Hiawasse Avenue.

The undersigned petitioners do certify that the closing of the above described street or alley will not be contrary to the public interest and that no individual owning property in the vicinity of said street or alley, and if it is located in a subdivision, no individual owning property in said subdivision, will be deprived of reasonable means of ingress and egress to his/her property.

The following persons, in addition to the petitioners, own property adjoining the above described street or alley:

NAME	ADDRESS
Matthew Howie	403 S. Oconeechee Ave.
Jonathan & Tiffany Douglas	401 S. Oconeechee Ave.
Joyce Greene	301 S. Oconeechee Ave.
Eric Bennet & Laurel Andrea Steinberg	209 S. Oconeechee Ave.
Clinton McCallister	205 S. Oconeechee Ave.
Jack & Kay Bartlett	203 S. Oconeechee Ave.
Benjamin Maney	201 S. Oconeechee Ave.

WHEREFORE, your petitioners respectfully request the Board of Aldermen of the Town of Black Mountain to adopt a resolution ordering the closing of the above described street or alley.

Witness our signatures the day and year first above written.

	NAME	ADDRESS	PHONE #
①	Alison	207 South Oconeechee Ave	832 860 2860
②	Cathy	207 S. Oconeechee Ave	305-298-2858
③	David	402 Hiawasse Ave	919-412-3740
④	David	205 S. Oconeechee Ave	828 280-3561
⑤	Donna Blum	305 S. Oconeechee Ave	828-280-3561
⑥	Erin	216 Hiawasse Ave	410-900-4468
⑦	John	309 S. Oconeechee Ave	828-450-2801
⑧	Rebecca Jones	312 S. 400 Hiawasse Ave	828-775-9251
⑨	David	206 Hiawasse Ave	828-273-4813
⑩	Sarah Broughton - Ives		
	Toby D. Ives	313 So Oconeechee Ave. BLACK MT. N.C.	2874
		828 669-7547 (h)	828 337-3098 (c)

Date: _____, 20____

**TO THE BOARD OF ALDERMEN OF THE
TOWN OF BLACK MOUNTAIN**

We, the undersigned, being (some) (all) of the owners of the property adjoining the street or alley described below, do hereby petition the Board of Aldermen of the Town of Black Mountain, to close the following described street or alley:

The undersigned petitioners do certify that the closing of the above described street or alley will not be contrary to the public interest and that no individual owning property in the vicinity of said street or alley, and if it is located in a subdivision, no individual owning property in said subdivision, will be deprived of reasonable means of ingress and egress to his/her property.

The following persons, in addition to the petitioners, own property adjoining the above described street or alley:

NAME	ADDRESS
Raymond's Ina Owsby	304 Hiawasssee Ave.
Lena Brooks	300 Hiawasssee Ave.
Margaret Stephens	104 Hiawasssee Ave.
Swanee Swann	100 Hiawasssee Ave.
Swanee Swann	100 A Hiawasssee Ave.
Swanee Swann	206 Cragmont Rd

WHEREFORE, your petitioners respectfully request the Board of Aldermen of the Town of Black Mountain to adopt a resolution ordering the closing of the above described street or alley.

Witness our signatures the day and year first above written.

NAME

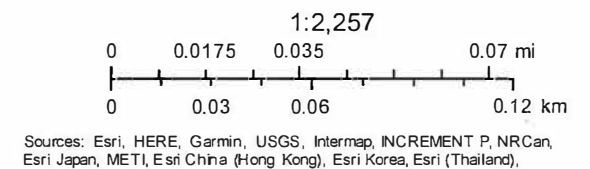
ADDRESS

PHONE #[illegible]

Hiawassee/S Oconeechee Right-of-way Closure Request



January 6, 2021



<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>
Richard Williams; Gladys Williams	600 Hiawassee Ave	Black Mountain	NC
Jennifer Diane Morris; Ralph Corey Morris	515 S Oconeechee Ave	Black Mountain	NC
Diane M Morris	515 S Oconeechee Ave	Black Mountain	NC
Diane Morris; Cory Morris	515 S Oconeechee Ave	Black Mountain	NC
Stephen Parrish	PO Box 704	Black Mountain	NC
Stephen Parrish	PO Box 704	Black Mountain	NC
Matthew R James; Melanie James; Brian Ray Evans	506 Hiawassee Ave	Black Mountain	NC
Diane M Morris	515 S Oconeechee Ave	Black Mountain	NC
William J Jenkins	315 Lake Dr SE	Calhoun	GA
Jeannie J Vaughan; William J Jenkins	356 Sunset Dr SE	Calhoun	GA
Jeannie J Vaughan; William J Jenkins	356 Sunset Dr SE	Calhoun	GA
Tony Keith Nix	811 Azalea Ave	Black Mountain	NC
Kevin Tate; Tammy M Tate	501 S Oconeechee Ave	Black Mountain	NC
Thomas A Schultz; Jean Conway	414 Hiawassee Ave	Black Mountain	NC
Kristina Trivette	412 Hiawassee Ave	Black Mountain	NC
Brandon Philbeck; Tammy Philbeck	408 Hiawassee Ave	Black Mountain	NC
Carolyn T Glasgow; Angela Signore	656 Bear River Lodge Trl	Marshall	NC
Douglas L Melton Et Al	404 Hiawassee Ave	Black Mountain	NC
Darla J Sublette	402 Hiawassee Ave	Black Mountain	NC
Rebecca Janes	PO Box 174	Ridgecrest	NC
Bobby L Partin; Sharon C Partin	417 S Oconeechee Ave	Black Mountain	NC
Kevin B Kimrey; Denise Gilliam Kimrey	415 S Oconeechee Ave	Black Mountain	NC
Jerry W Boone; Carolyn D Boone	306 Marion Ave	Swannanoa	NC
Joyce C Ammons	409 S Oconeechee Ave	Black Mountain	NC
Jerry M Cannon; Susan G Cannon	128 Woodside Ave	Narberth	PA
Matthew B Howie	403 S Oconeechee Ave	Black Mountain	NC
Jonathan E Douglas; Tiffany A Douglas	401 S Oconeechee Ave	Black Mountain	NC
Rebecca Janes	PO Box 174	Ridgecrest	NC
Rebecca Janes	PO Box 174	Ridgecrest	NC
Rebecca Janes	PO Box 174	Ridgecrest	NC
Raymond C Owenby; Ina E Owenby	304 Hiawassee Ave	Black Mountain	NC
Lena Brooks	300 Hiawassee Ave	Black Mountain	NC
Toby D Ives; Sarah Broughton-Ives	313 S Oconeechee Ave	Black Mountain	NC
Brandon A Moffitt; Abigail Moffitt	309 S Oconeechee Ave	Black Mountain	NC
Donald R Blankenship; Dorinda C Blankenship	305 S Oconeechee Ave	Black Mountain	NC
Joyce Kay Greene	301 S Oconeechee Ave	Black Mountain	NC
Eric B Christopher; Erica L Christopher	216 Hiawassee Ave	Black Mountain	NC
Philip S Abernathy	206 Hiawassee Ave	Black Mountain	NC
Margaret Stephens	104 Hiawassee Ave	Black Mountain	NC
Swanee Swann	206 Cragmont Rd	Black Mountain	NC
Swanee Swann	206 Cragmont Rd	Black Mountain	NC
Swanee Swann	206 Cragmont Rd	Black Mountain	NC

Eric Bennett Steinberg; Andrea Laurel	209 S Oconeechee Ave	Black Mountain	NC
Travis Casey Sharpe; Caitlin Elizabeth Ahern Hettich	207 S Oconeechee Ave	Black Mountain	NC
Clinton Dale McCallister	205 S Oconeechee Ave	Black Mountain	NC
Jack D Bartlett; Kay H Bartlett	400A Blue Ridge Rd	Black Mountain	NC
Benjamin Harry Maney	1939 Winding Ridge Rd	Winston-Salem	NC

<u>Zip</u>	<u>PIN #</u>
28711	0609-65-8224
28711	0609-98-8110
28711	0609-98-9059
28711	0609-97-8907
28711	0609-97-8901
28711	0609-97-7893
28711	0609-97-7699
28711	0609-97-9959
30701	0609-97-9943
30701	0609-97-9848
30701	0609-97-9841
28711	0609-97-9736
28711	0609-97-9637
28711	0609-97-7582
28711	0609-97-7470
28711	0609-97-7361
28753	0609-97-7265
28711	0609-97-7169
28711	0609-97-7153
28770	0609-97-7057
28711	0609-97-9524
28711	0609-97-9428
28778	0609-97-9319
28711	0609-97-9208
19072	0609-97-9200
28711	0609-97-9103
28711	0609-97-8097
28770	0609-96-7957
28770	0609-96-7941
28770	0609-96-7845
28711	0609-96-7736
28711	0609-96-7634
28711	0609-96-8983
28711	0609-96-8882
28711	0609-96-8773
28711	0609-96-8573
28711	0609-96-7532
28711	0609-96-7426
28711	0609-96-7329
28711	0609-96-7313
28711	0609-96-7207
28711	0609-96-7202

28711	0609-96-8467
28711	0609-96-8358
28711	0609-96-8352
28711	0609-96-8243
27127	0609-96-8144



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

January 11, 2021

Dear Property Owner,

This correspondence is to notify you that ten property owners have petitioned the Town of Black Mountain to close a portion of the right-of-way between Hiawasse Avenue and S Oconeechee Avenue.

A map has been enclosed to show the portion of the right-of-way that the property owners are requesting to be closed.

This is your notification that the Planning Board will hear this request at their next regularly scheduled meeting on Monday, January 25, 2021 at 6:00 p.m. via Zoom. A link to the meeting is provided below.

Join Zoom Meeting

<https://us02web.zoom.us/j/84921985205>

Meeting ID: 849 2198 5205

OR

888 788 0099 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 849 2198 5205

If you have questions you may contact Jake Hair at (828) 419-9373 or
jake.hair@townofblackmountain.org.

Respectfully,

Jennifer Tipton
Senior Admin

Enclosure (1)

TOWN OF BLACK MOUNTAIN PLANNING BOARD
AGENDA ITEM INFORMATION
Meeting Date: January 25, 2021

SUBJECT: Text Amendment to add definitions for Resident, Residence, Short-term Rental and Transient.

BRIEF SUMMARY: Staff is needing to add these definitions to the ordinance to help clear up some confusion on residential uses. This will allow staff and applicants to clearly differentiate between residential and non-residential uses, such as hotels, short and long term rental properties. As of right now there are no proposed short term rental requirements. These definitions will help us be more consistent with the NC General Statutes. These definitions were acquired from the American Planning Associations planner's dictionary.

ATTACHMENTS: Proposed definitions.

PLANNING STAFF COMMENTS AND RECOMMENDATIONS:

Residence:

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments. Residences do not include: such transient accommodations such as transient hotels, motels, tourist cabins, dormitories, and recreational vehicles.

Resident:

An individual whose principal place of living and sleeping is in a particular location is a resident of that location.

Short-term rental:

Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.

Transient:

Occupancy of a dwelling unit or sleeping unit for not more than 30 days.



Resolution of Appreciation For Lee “Scott” Reed

WHEREAS, Mr. Scott Reed has faithfully and professionally served as a member of the Planning Board since December of 2017 until November of 2020; and

WHEREAS, his participation has assisted the Planning Board in making balanced decisions that influence our community; and

WHEREAS, he faithfully attended meetings and participated fully in the Planning Board’s deliberations and discussions in order to ensure consideration for all members of the Black Mountain Community; and

WHEREAS, he has demonstrated a high level of professional knowledge and civic responsibility as a member of the Planning Board;

BE IT THEREFORE RESOLVED BY THE PLANNING BOARD OF THE TOWN BLACK MOUNTAIN That we recognize and appreciate Scott Reed for his diligent and effective leadership and service to us and the citizens of Black Mountain.

This resolution was passed unanimously by the Planning Board on this the 25th day of January, 2021.

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Chris Collins, Chair

Jennifer Tipton, Senior Admin